

REMARKS/ARGUMENTS

Claims 1-3, 7-9 and 11-51 are pending. By this Amendment, claim 10 is cancelled, and claims 1, 24, 29 and 49 are amended. Support for the amendments to claims 1, 24, 29 and 49 can be found, for example, in original claims 1, 10, 24, 29 and 49. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Personal Interview

Applicants appreciate the courtesies extended to Applicants' representatives by Examiners Chin and Wu during the June 17, 2009 Personal Interview. Applicants' separate record of the substance of the interview is incorporated in the following remarks.

Objection to the Claims

The Office Action objects to claims 24 and 49 as including informalities. By this Amendment, claims 29 and 49 are amended to obviate the objection. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

Rejection Under 35 U.S.C. §102/§103

The Office Action rejects claims 1-3, 7, 9, 11, 12, 19, 20, 25-28, 30-32, 35-37, 39, 40, 45, 46, 50 and 51 under 35 U.S.C. §102(b), or in the alternative under 35 U.S.C. §103(a), over U.S. Patent Application Publication No. US 2005/0090611 to Huffer et al. ("Huffer"). Applicants respectfully traverse the rejection.

By this Amendment, claim 1 is amended to incorporate the subject matter of claim 10, which is not subject to this rejection. Accordingly, amended claim 1 is patentable over

Huffer. Claims 2, 3, 7, 9, 11, 12, 19, 20 and 25-28 depend from claim 1 and, thus, are also patentable over Huffer.

Claim 29 is not subject to this rejection. Accordingly, amended claim 29 is patentable over Huffer. Claims 30-32, 35-37, 39, 40, 45, 46, 50 and 51 depend from claim 1 and, thus, are improperly rejected over Huffer.

In view of the foregoing, reconsideration and withdrawal of the rejection are respectfully requested.

Rejections Under 35 U.S.C. §103

A. Huffer and Lange

The Office Action rejects claims 8 and 38 under 35 U.S.C. §103(a) over Huffer in view of U.S. Patent Application Publication No. US 2004/0171759 to Lange et al. ("Lange"). Applicants respectfully traverse the rejection.

The Office Action concedes that Huffer fails to disclose or suggest each and every feature of claims 1 and 29, at least because Huffer does not disclose or suggest employing a stabilizer including an amphiphilic polymer having an ABA structure. *See* Office Action, page 6. Lange does not remedy the deficiencies of Huffer. Lange is cited for its alleged disclosure of functionalized polyisobutenes. *See* Office Action, pages 5 to 6. However, Lange, like Huffer, fails to disclose or suggest employing a stabilizer including an amphiphilic polymer having an ABA structure. Accordingly, the combination of references fails to disclose or suggest each and every feature of claims 1 and 29.

As explained, claims 1 and 29 would not have been rendered obvious by Huffer and Lange. Claims 8 and 38 depend from claims 1 and 29, respectively, and, thus, also would not have been rendered obvious by Huffer and Lange. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Huffer and Deroo

The Office Action rejects claims 10, 13, 14, 22-24, 29, 41 and 47-49 under 35 U.S.C. §103(a) over Huffer in view of U.S. Patent Application Publication No. US 2003/0225168 to Deroo et al. ("Deroo"). By this Amendment, claim 10 is cancelled, rendering the rejection moot as to that claim. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 1 recites "[a]n aqueous polymer dispersion obtained by emulsion polymerization of ethylenically unsaturated monomers in an aqueous medium in the presence of at least one free radical polymerization initiator and at least one stabilizer; wherein: the at least one stabilizer is employed before, during or after polymerization; the at least one stabilizer comprises at least one amphiphilic polymer comprising one or more hydrophobic units A and one or more hydrophilic units B; the one or more hydrophobic units A are formed from a polyisobutene block, at least 50 mol% of polyisobutene macromolecules of the polyisobutene block having terminally arranged double bonds, based on a total number of polyisobutene macromolecules; the one or more hydrophilic units B are formed from at least one alkylene oxide selected from the group consisting of monoaminoethylene oxide, monothioethylene oxide, and diaminoethylene oxide; and the at least one amphiphilic polymer has an ABA structure" (emphasis added). Claim 29 similarly recites that "the at least one amphiphilic polymer has an ABA structure." Huffer and Deroo do not disclose or suggest such polymers.

As indicated above, the polymers of claims 1 and 29 are each obtained using a stabilizer including at least one amphiphilic polymer having an ABA structure.

Huffer discloses hydrophilic emulsifiers based on polyisobutylene and their use in oil-in-water emulsions. Huffer does not disclose amphiphilic polymers with ABA structure.

Deroo discloses a method for controlling the stability or droplet size of simple water-in-oil emulsions. Deroo explicitly distinguishes between oil-in-water emulsions, which include a hydrophobic phase dispersed in an aqueous phase, and water-in-oil emulsions, which include an aqueous phase dispersed in a hydrophobic phase. Deroo states, in particular that "[t]hese two types of emulsions are usually considered as two different technical fields, since different phases are usually used, as well as different emulsifiers." See Deroo, paragraph [0004]. Accordingly, Deroo is directed exclusively to simple water-in-oil emulsions. See Deroo, paragraph [0004].

Thus, as agreed during the Personal Interview, Deroo's disclosure of specific amphiphilic di- or triblock emulsifiers for stabilizing water-in-oil emulsions provides no guidance regarding the types of emulsifiers that would be suitable for use in oil-in-water emulsions, as in Huffer. As is well-settled, a *prima facie* case of obviousness based on a proposed modification to a reference (e.g., replacing emulsifiers of Huffer with the emulsifiers of Deroo) will only stand if one of ordinary skill would have had a reasonable expectation of success upon making the modification. See, e.g., MPEP §2143.02 (citing *In re Merck & Co., Inc.*, 800 F.2d 1091 (Fed. Cir. 1986)). One of ordinary skill in the art would have had no reason to expect that the water-in-oil emulsifiers of Deroo would be of any use in the oil-in-water emulsions of Huffer.

A *prima facie* case of obviousness has not been made.

As explained, claims 1 and 29 would not have been rendered obvious by Huffer and Deroo. Claims 13, 14, 22-24, 41 and 47-49 depend variously from claims 1 and 29 and, thus, also would not have been rendered obvious by Huffer and Deroo. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Huffer and Allgaier

The Office Action rejects claims 15-18, 21 and 42-44 under 35 U.S.C. §103(a) over Huffer in view of U.S. Patent No. 6,677,293 to Allgaier et al. ("Allgaier"). Applicants respectfully traverse the rejection.

The Office Action concedes that Huffer fails to disclose or suggest each and every feature of claims 1 and 29, at least because Huffer does not disclose or suggest employing a stabilizer including an amphiphilic polymer having an ABA structure. *See* Office Action, page 6. Allgaier does not remedy the deficiencies of Huffer. Allgaier is cited for its alleged disclosure of a block copolymer including a water-soluble block and a water-insoluble block. *See* Office Action, page 7. However, Allgaier, like Huffer, fails to disclose or suggest employing a stabilizer including an amphiphilic polymer having an ABA structure. Accordingly, the combination of references fails to disclose or suggest each and every feature of claims 1 and 29.

As explained, claims 1 and 29 would not have been rendered obvious by Huffer and Allgaier. Claims 15-18, 21 and 42-44 depend variously from claims 1 and 29 and, thus, also would not have been rendered obvious by Huffer and Allgaier. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

D. Huffer and Candau

The Office Action rejects claims 33 and 34 under 35 U.S.C. §103(a) over Huffer in view of U.S. Patent Application Publication No. US 2003/0129151 to Candau et al. ("Candau"). Applicants respectfully traverse the rejection.

The Office Action concedes that Huffer fails to disclose or suggest each and every feature of claim 29, at least because Huffer does not disclose or suggest employing a stabilizer including an amphiphilic polymer having an ABA structure. *See* Office Action,

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page 6. Candau does not remedy the deficiencies of Huffer. Candau is cited for its alleged disclosure of a triblock copolymer including ethylene oxide and propylene oxide. See Office Action, page 8. However, Candau, like Huffer, fails to disclose or suggest employing a stabilizer including an amphiphilic polymer having an ABA structure. Accordingly, the combination of references fails to disclose or suggest each and every feature of claim 29.

As explained, claim 29 would not have been rendered obvious by Huffer and Candau. Claims 33 and 34 depend from claim 29 and, thus, also would not have been rendered obvious by Huffer and Candau. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For the foregoing reasons, Applicants submit that claims 1-3, 7-9 and 11-51 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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